

### **REMARKS**

This paper responds to the Office Action mailed on March 21, 2006.

Claims 1, 9, 17-19, 23, 26, 34, 42, 48 and 64 are amended; claims 11, 21, 36 and 71 are canceled; as a result, claims 1-20, 22-35, 37-70, and 72-105 are now pending in this application. Applicant submits that no new matter has been added.

#### **Objections to the Disclosure**

The Office Action objected to the disclosure with regards to tSi,j,k,... and Si,j,k,... and their non-inclusion in Table A. Applicant presently amends the disclosure to read tS1,2,3,... and S1,2,3,... to more correctly correspond to Table A. Applicant requests removal of the objection.

Applicant thanks the examiner for pointing out a clerical error regarding the reference numbers associated with the input and output devices referenced in Figure 7 and the associated discussion. Applicant presently amends the specification to correct the clerical error.

Applicant thanks the examiner for pointing out a clerical error in the "Cross reference to related applications" section added by preliminary amendment. Applicant intended to incorporate by reference a different application, rather than incorporate by reference the present application. Applicant presently amends that section to correct the clerical error.

#### **Declaration and Power of Attorney**

A new oath or declaration was required in compliance with 37 C.F.R. 1.67(a). The Office Action states that the Oath or Declaration is defective by use of the words "first and sole inventor," even though multiple inventors are named in the present application. Applicant acknowledges that 37 CFR 1.63 no longer requires the oath or declaration to state that the inventor is a sole or joint inventor. Applicant will submit a new Oath or Declaration forthwith to correct the error.

§101 Rejection of the Claims

Claims 1-60 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant disagrees but in the interest of furthering prosecution presently amends claims 1, 9, 17, 23, 26, 34, 42 and 48.

With respect to claims 1, 9, 17 and 23, Applicant presently amends those claims to recite, in part, “analyzing said single data-set to determine conditions in the electronic device manufacturing process.” Applicant submits that the claim as amended claims a new and useful process as required by 35 USC 101 and requests withdrawal of the rejection and allowance of the claims and the dependent claims associated with claims 1, 9, 17 and 23.

With respect to claims 26, 34, 42 and 48, Applicant presently amends those claims to recite, in part, “examining the analysis of the data for conditions of the manufacturing process.” Applicant submits that the claim as amended claims a new and useful process as required by 35 USC 101 and requests withdrawal of the rejection and allowance of the claims and the dependent claims associated with claims 26, 34, 42 and 48.

With respect to claim 55, Applicant submits that claim 55 recites, in part, “examining the analysis of the data for conditions of the manufacturing process,” and as such claims, as originally written, a new and useful process as required by 35 USC 101. Applicant requests withdrawal of the rejection and allowance of claim 55 and the dependent claims associated with claim 55.

§112 Rejection of the Claims

Claims 1, 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 83, 89, 95, 102 and their respective dependent claims were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The Office Action states that the terms non-production data and production data are extremely ambiguous when read in light of the specification. Applicant respectfully disagrees.

With respect to production data, which is mentioned first at page 6, line 31 and “is from sources that are *directly related* to the manufacturing process being performed,” (emphasis added). Samples of sources are then mentioned. As the list of sources from which production data may be derived is essentially limitless, Applicant, in the interests of brevity, chose not to

mention each and every one of them, but to merely define them as directly related to the manufacturing process and for example, may be extremely different for each lot or piece. An example outlining the differences between production and non-production data will be made below.

With respect to non-production data, which is first mentioned at page 7, line 26 and “is from sources not directly related to the manufacturing process.” Again, examples of those sources are provided, but as was the case with production data sources, the list of such sources are essentially limitless, but are bound by the “not directly related” condition. Non-production data is alternatively called facility data, and relate to the facility in which the production takes place.

Expanding on this argument, Applicant submits that the difference between production and non-production data would be easily determined by one skilled in the art. However, in the interests of further illumination, an example production facility may provide a further basis for the distinction. An example production facility has several widget manufacturing presses in one building. Data read from one widget manufacturing process would be considered production data, while data read in the building would be considered non-production data. Further, individual readings of temperature in the presses may differ from one press to the other, and the data recorded for a specific lot would be that of the individual press performing manufacturing operations, while the data from the facility, such as ambient temperature, would be equally applicable to all widgets being pressed during such a time period.

Applicant submits that the phrase “regardless of what it is called” does not render the terms indefinite, especially in light of the above remarks. Applicant was merely trying to state that were one to call data read from the manufacturing press in the above example “non-production temperature readings” but still read that data from the manufacturing press, such term would, in the context of the present discussion, not render such data non-production data. Embodiments of the present invention are related to correlating data across different data sources and overcoming the problem of correlating facility, or non-production, data with actual production data.

With respect to claim 6, Applicant submits that “data is relevant to the production process and its condition,” seeks to claim the idea stated above that production data is directly related to the manufacturing process itself and not to the facility.

With respect to claim 2, the test probe is specifically mentioned in the discussion of the variety of data sources associated with production data. In the present claim, such a test probe would be deployed in an individual manufacturing chamber, for example.

For at least these reasons, Applicant submits that 1, 9, 17, 23, 26, 34, 42, 48, 55, 61, 69, 77, 83, 89, 95, 102 and their respective dependent claims are definite and particularly point out and distinctly claim subject matter which applicant regards as the invention.

Applicant thanks the examiner for pointing out clerical errors with respect to claims 18, 19 and 64. Applicant presently amends claims 18, 19 and 64 to correct those errors.

*Documents Cited but Not Relied upon for this Office Action*

Applicant need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action since these references are not made part of the rejections in this Office Action. Applicant is expressly not admitting to this assertion and reserves the right to address the assertion should it form part of future rejections.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2159 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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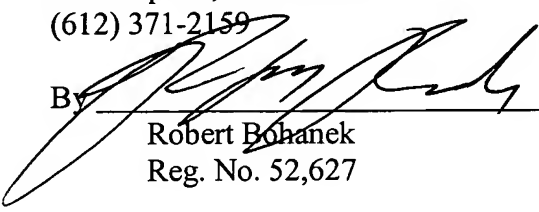
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Date

6/21/06

By

  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21 day of June, 2006.

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